

212-128

**RESOLUTION NO. CZAB10-41-08**

WHEREAS, **FERRO DEVELOPMENT L. L. C.** applied for the following:

- A/C  
4  
A/7
- (1) RU-3M to BU-1A
  - (2) **DELETION of Declaration** of Restrictions recorded in Official Record Book 20979, Page 997-1004, last modified by a Declaration of Restrictions recorded in Official Record Book 22176, Pages 2700-2704.
  - (3) **DELETION of the Covenant** Proviso accepted pursuant to Resolution No. CZAB10-13-07, passed and adopted by Community Zoning Appeals Board #10, which accepted a proffered Declaration of Restrictive Covenant, hereinafter the "covenant proviso" as follows:

"BE IT FURTHER RESOLVED that, pursuant to §33-6 of the Code of Miami-Dade County, Florida. The county hereby accepts the proffered Declaration of Restrictive Covenants and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive then the applicable zoning regulations."

The purpose of requests #2 and #3 is to delete a covenant requiring the owner to apply for an Administrative Site Plan Review and comply with the Developmental Impact Committee requirements, if needed, and to delete a covenant proviso tying the site to a residential development, to permit development of the site according to the regulations of the proposed zoning district.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

**SUBJECT PROPERTY:** That portion of Tracts 53 and 54, of the Supplemental Map #1 of THE LAND OF THE MIAMI EVERGLADES LAND CO. LTD., in Section 4, Township 54 South, Range 39 East, Plat book 3, Page 39, more particularly described as follows:

That portion of the east  $\frac{3}{4}$ , of the SW  $\frac{1}{4}$  of Section 4, Township 54 South, Range 39 East, less the west 989.93', the south 880', and less the east 35', which lies south the S/ly right-of-way line of State Road #90 (U.S. 41), A/K/A: Tamiami Trail.

**LOCATION:** Lying south of S.W. 8 Street, between S.W. 152 Avenue and S.W. 153 Place, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. Landscape Buffer: That a landscape buffer will be provided along the Southern and Western perimeters of the property. The buffer will be 15' wide; and will include trees from any of the following categories:

- a. *Duranta reopens/golden dewdrop*; 8' high at planting
- b. *Tabebuia Caraiba* or *heterophylla*/yellow/ pink *tabebuia* 10' high at time of planting
- c. *Lysiloma sabicu/tamarind*: 12'-15' high at planting
- d. *Casasia clusiifolia*/seven-year apple: 8' high at planting
- e. *Conocarpus erectus*/silver buttonwood: 10'-12' high at planting
- f. *Cordial sebestena*/Geiger tree (orange): 10'-12' high at time of planting

The trees will be staggered in double rows and installed at a 20' spacing between trees.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-1A (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested deletions of Declaration of Restrictions recorded in Official Record Book 20979, Page 997-1004, last modified by a Declaration of Restrictions recorded in Official Record Book 22176, Pages 2700-2704 (Item #2) and of the Covenant Proviso accepted pursuant to Resolution No. CZAB10-13-07, passed and adopted by Community Zoning Appeals Board #10, which accepted a proffered Declaration of Restrictive Covenant, hereinafter the "covenant proviso" (Item #3) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the proffered Declaration of Restrictions, approve Item #1, approve Items #2 and 3 under Section 33-311(A)(7), deny Items #2 and 3 under Section 33-311(A)(17) was offered by Jose Garrido, seconded by Jorge Barbontin, and upon a poll of the members present the vote was as follows:

George A. Alvarez	absent	Julio R. Caceres	aye
Jorge Barbontin	aye	Jose Garrido	aye
		Ruben Pol III	aye
Carlos A. Manrique	absent		

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to BU-1A (Item #1) be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that the requested deletions of Declaration of Restrictions recorded in Official Record Book 20979, Page 997-1004, last modified by a Declaration of Restrictions recorded in Official Record Book 22176, Pages 2700-2704 (Item #2) and of the Covenant Proviso accepted pursuant to Resolution No. CZAB10-13-07, passed and adopted by Community Zoning Appeals Board #10, which accepted a proffered Declaration of Restrictive Covenant, hereinafter the "covenant proviso" (Item #3) be and the same are hereby approved under 33-311(A)(7).

BE IT FURTHER RESOLVED that Items #2 and 3 be and the same are hereby denied without prejudice under section 33-311(A)(17).

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.



*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 13<sup>th</sup> day of November, 2008.

Hearing No. 08-11-CZ10-1  
ej

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**RESOLUTION NO. CZAB10-13-07**

*WHEREAS*, **FERRO DEVELOPMENT L. L. C.** applied for the following:

BU-1A to RU-3M

**SUBJECT PROPERTY:** That portion of Tracts 53 and 54, of the SUPPLEMENTAL MAP NO. 1 OF THE LANDS OF THE MIAMI EVERGLADES LAND CO. LTD., in Section 4, Township 54 South, Range 39 East, Plat book 3, Page 39, more particularly described as follows:

That portion of the east  $\frac{3}{4}$  of the SW  $\frac{1}{4}$  of Section 4, Township 54 South, Range 39 East, less the west 989.93', the south 880' and less the east 35', which lies south of the S/ly right-of-way line of State Road No. 90 (U.S. 41), A/K/A: Tamiami Trail.

**LOCATION:** The Southwest corner of S.W. 8 Street & S.W. 152 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

- (1) **Controlling Site Plan.** The Property shall be developed substantially in accordance with the site plans entitled the "Ferro at Tamiami" as prepared by RAMOSMARTINEZ Architect, Inc., dated stamped received August 18, 2006. Said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of the agreement.
- (2) **Residential Density Restriction.** The maximum number of dwelling units on the Property shall be a total of 101 town home residential units, at a density of 11 units per acre.

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to RU-3M would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida,

and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

*WHEREAS*, a motion to accept the proffered Declaration of Restrictions and to approve the application was offered by George A. Alvarez, seconded by Jose Garrido, and upon a poll of the members present the vote was as follows:

Juan Carlos Acosta	absent	Jose Garrido	aye
George A. Alvarez	aye	Frank Lago	aye
Julio R. Caceres	aye	Ruben Pol III	aye
Carlos A. Manrique			aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to RU-3M be and the same is hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the approval herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 13<sup>th</sup> day of February, 2007.

Hearing No. 07-1-CZ10-5  
ls

04-54-39

(10)

**RESOLUTION NO. CZAB10-60-03**

WHEREAS, UNITED HOMES AT EMERALD LAKES, INC. applied for the following:

✓ DELETION of Condition #26 of Resolution Z-4-00, passed and adopted by the Board of County Commissioners and only as it applies to the subject property and reading as follows:

"26. That no gates be permitted in any of the 3 parcels."

The purpose of this request being to permit the applicant to install gates at the entrance and exits of the development.

Upon a demonstration that the applicable standards had been satisfied, approval of such request was considered under §33-311(A)(17). (Ordinance #03-93).

A plan is on file and may be examined in the Zoning Department entitled "Pavement Marking Plan Emerald Lakes," as prepared by Robayna and Associates, Inc., dated revised 10/17/02 and consisting of 3 sheets.

SUBJECT PROPERTY: A parcel of land in Section 4, Township 54 South, Range 39 East, better described as follows:

Beginning at the Southeast corner of said Section 4; thence S87° 45'25"W along the south line of said section, as a basis of bearing, for 1,320.14' to the Southeast corner of SW ¼ of the SE ¼ of said Section 4; thence N2° 12'21"W along the east line of SW ¼ of SE ¼ of said Section 4 for 1,223.64'; thence N89° 43'6"E for 625.2'; thence S2° 11'21"E for 542.7'; thence N87° 44'49"E for 695.66' to the east line of said Section 4; thence S2° 12'0"E along the east line of said Section 4 for 659.67' to the Point of beginning.

LOCATION: Lying south of S.W. 8<sup>th</sup> Street (Tamiami Trail), between S.W. 147 Avenue & theoretical S.W. 149 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter it is the opinion of this Board that the requested deletion of Condition #26 of Resolution Z-4-00 as it applies to the subject property would be in harmony with the general purpose and

P ✓  
C ✓  
D ✓  
O ✓

12/8  
H/D



intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and

*WHEREAS*, a motion to approve the application was offered by Jesus Rodriguez, seconded by Manuel Casas, and upon a poll of the members present, the vote was as follows:

Jose M. Blanco	aye	Jesus Rodriguez	aye
Manuel Casas	aye		
	George A. Alvarez	aye	

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 10 that the requested deletion of Condition #26 of Resolution Z-4-00 as it applies to the subject property be and the same is hereby granted.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 10<sup>th</sup> day of November, 2003.

Hearing No. 03-7-CZ10-2  
ej

**THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 8<sup>th</sup> DAY OF DECEMBER, 2003.**



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**RESOLUTION NO. CZAB10-53-02**

*WHEREAS*, **FERRO DEVELOPMENT** applied for the following:

EU-1 to BU-1A

**SUBJECT PROPERTY:** That portion of the east  $\frac{3}{4}$  of the SW  $\frac{1}{4}$  less the west 989.93' and the south 880' thereof, in Section 4, Township 54 South, Range 39 East.

**LOCATION:** The Southwest corner of Tamiami Trail & theoretical S.W. 152 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 10 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided for:

- 1) That in the event proposed development of the subject property meets or exceeds any thresholds which require Departmental Impact Committee review, then the approval process shall include Departmental Impact Committee review and recommendation.
- 2) That Owner agrees that prior to development, Owner shall apply for Administrative Site Plan Review with Miami-Dade County in order to assure compliance and compatibility with the surrounding uses and/or developments.

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to BU-1A would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to approve the application and to accept the proffered Declaration of Restrictions was offered by Jesus Rodriguez, seconded by Jose M. Blanco, and upon a poll of the members present the vote was as follows:

Jose M. Blanco	aye	Luis Perez-Medina	aye
Manuel Casas	aye	Jesus Rodriguez	aye
	George A. Alvarez	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 10, that the requested district boundary change to BU-1A be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

PASSED AND ADOPTED this 10<sup>th</sup> day of December, 2002.

Hearing No. 02-12-CZ10-4  
ej